

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Atty 01579-0890

Dkt.

C# M#

GOLDSCHMIDT-CLERMONT et al

TC/A.U.

1633

Serial No. 10/788,423

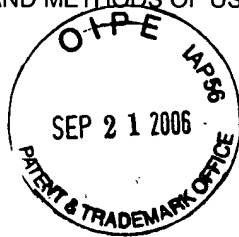
Examiner: Li, Q.J.

Filed: March 1, 2004

Date: September 21, 2006

Title: PROGENITOR CELLS AND METHODS OF USING SAME

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

**Fees are attached as calculated below:**

Total effective claims after amendment	0	minus highest number	
previously paid for	20	(at least 20) =	0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment	0	minus highest number	
previously paid for	3	(at least 3) =	0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add  
\$360.00 (1203)/\$180.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s)

One Month Extension	\$120.00 (1251)/\$60.00 (2251)
Two Month Extensions	\$450.00 (1252)/\$225.00 (2252)
Three Month Extensions	\$1020.00 (1253)/\$510.00 (2253)
Four Month Extensions	\$1590.00 (1254)/\$795.00 (2254)
Five Month Extensions	\$2160.00 (1255)/\$1080.00 (2255) \$

Terminal disclaimer enclosed, add \$130.00 (1814)/ \$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee	\$180.00 (1806) \$ 0.00
---	-------------------------

Assignment Recording Fee	\$40.00 (8021) \$ 0.00
--------------------------	------------------------

Other:	\$ 0.00
--------	---------

**TOTAL FEE (CREDIT CARD PAYMENT FORM ATTACHED) \$ 0.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor  
Arlington, Virginia 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
MJW:tat

NIXON & VANDERHYE P.C.  
By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: \_\_\_\_\_

*Mary J. Wilson*



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

GOLDSCHMIDT-CLERMONT et al Atty. Ref.: 01579-0890; Confirmation No. 4961

Appl. No. 10/788,423

TC/A.U. 1633

Filed: March 1, 2004

Examiner: Li, Q.J.

For: PROGENITOR CELLS AND METHODS OF USING SAME

\* \* \* \* \*

September 21, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE**

This is in response to the Office Action dated August 31, 2006, in the above.

In response to the Examiner's requirement for restriction, Applicants elect the subject matter of Group I (claims 1-13) for prosecution in this application. The election is made with traverse. The Examiner is respectfully requested to reconsider the requirement for restriction, at least as between Groups I and II. These two Groups are similarly classed and subclassed and thus it is believed that no undue search burden would be placed on the Examiner if they were to be considered together

In response to the Examiner's requirement for election of species, Applicants elect endothelial progenitor cells. Elected claims readable on the elected species include claims 1-13.

An early and favorable Action on the merits is requested.

GOLDSCHMIDT-CLERMONT et al  
Appl. No. 10/788,423  
September 21, 2006

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: Mary J. Wilson  
Mary J. Wilson  
Reg. No. 32,955

MJW:tat  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100